


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: January 24, 2020

SUBJECT: BZA Case 20195: Request for special exception relief pursuant to Subtitle E § 5201.1 to allow for the conversion of an existing tax lot into a substandard record lot; and to construct a rear addition 22.5 feet beyond the rear wall of the row house to the north.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- E § 201.1, Lot Width (18-foot minimum required, 12.5-foot tax lot existing; 12.5-foot record lot proposed);
- E § 201.1, Lot Area (1,800 square-foot minimum required, 1,167 square-foot tax lot existing; 1,167 square-foot record lot proposed); and
- E § 205.4, Rear Wall Extension (10-foot maximum permitted, none existing; 22.5 feet proposed).

Subject to the following:

- The applicant submits a drawing to the record documenting that the existing cornice on the front of the building, as shown on Drawing 0008, Building Elevations (Exhibit 6), would not change, or request relief from E § 206.1(a), Roof Top Architectural Element Original to the Building, to alter this feature.

II. LOCATION AND SITE DESCRIPTION

Address	1615 6 th Street, N.W.
Applicant	Steven K. Neufeld
Legal Description	Square 477, Lot 837
Ward, ANC	Ward 6, ANC 6E
Zone	RF-1
Lot Characteristics	Rectangular tax lot with no alley access
Existing Development	Two-story plus cellar row building used as a flat
Adjacent Properties	Row dwellings

Surrounding Neighborhood Character	Row houses, flats and small apartment buildings with some locally serving retail
Proposed Development	Construction of a: <ul style="list-style-type: none">• Third floor atop the existing two-story flat with a rooftop deck above; and• 22.5-foot deep three-story rear addition to the flat.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	34 feet, 4 inches	34 feet, 4 inches	None Required
Lot Width E § 201	18-foot min.	12.5 feet	12.5 feet	REQUIRED
Lot Area E § 201	1,800 sq. ft. min.	1,167 sq.ft.	1,167 sq.ft.	REQUIRED
Lot Occupancy E § 304	60% max.	36%	60%	None Required
Rear Yard E § 306	20-foot min.	78 feet, 4 inches	59.9 feet	None Required
Rear Wall Extension E § 205.4	10-foot max.	None	22.5 feet	REQUIRED

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The subject application requests relief from yard and minimum lot dimension provisions.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The relief is requested to permit an addition to an existing residential building.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) The light and air available to neighboring properties shall not be unduly affected;

The applicant submitted a shadow study (Exhibit 12) depicting the difference between shadows that would result from a matter-of-right ten-foot deep rear addition, and the proposed addition of 22.5 feet. The study shows that, in comparison to a matter-of-right development, there would be some additional shadowing during the spring and fall equinoxes, especially during the afternoon hours. During the winter solstice there would be little change as much of the shadow would continue to result from the existing building to the south of the subject property (1613 6th Street), a building that extends 22.5 feet out beyond the subject property and the building to the north of the subject property. Shadows from the proposed addition during the summer solstice would mostly occur during the afternoon hours. Therefore, light would not be unduly affected.

There should be undue impact on air because the rear yards of the row houses would remain open and unobstructed to the east and the minimum rear yard would be provided.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Although the proposed rear building addition would extend the rear wall a distance equal to that of the adjacent building to the south, the addition would be 22.5 feet beyond the rear wall of the row house to the north. However, no windows or other openings would be provided on the wall along the common property line. The new rear windows of the row house would continue to allow for limited views across the rear yards of the adjacent properties, as do the existing rear windows.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

The proposed rear addition would not be visible from a street, alley or other public way.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

The application includes site and floor plans, photographs, elevation and section drawings adequate to represent the proposed addition. Drawing A0007, Building Section (Exhibit 6) depicts a one-to-one setback for the rooftop railing. However, the applicant should submit a drawing documenting the existing cornice on the front of the building, as shown on Drawing 0008, Building Elevations (Exhibit 6), would not change, or request relief to alter this feature.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The subject application requests a lot occupancy of sixty-six percent (66%), less than the maximum of seventy percent (70%) permitted by special exception.

5201.4 *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no recommendations for special treatment.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use as a special exception.

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The subject application would not result in the introduction or expansion of nonconforming height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated January 17, 2020 (Exhibit 30), indicated that it had no objection to the application. No other comments from District agencies were submitted to the file as of the date of the filing of this report to the official record.

VI. COMMUNITY COMMENTS

ANC 6E, at its regularly scheduled meeting of January 7, 2020, voted to support the application. (Exhibit 29)

No other community comments were submitted to the record as of the date of the filing of this report.

Location Map

